

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

MAY 19, 2008

Roll Call

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:00 p.m. Roll call showed the following Councilmembers present: William D. Beagle, George H. Lovett, Tim E. Evans, Patrick A. Hale, Vickie K. Blakey, and Dee Gillis.

President Hale moved to excuse Councilman John E. Kessler, seconded by Mayor Evans. The motion carried with a vote of 6-0.

Executive Session

President Hale moved to adjourn to Executive Session to discuss personnel matters to include City Council Members only, seconded by Mr. Lovett. The motion carried and Council adjourned into Executive Session.

Reconvene

The meeting reconvened in regular session at 7:30 p.m. In attendance: Acting City Manager Bradley C. Vath, Law Director Joseph P. Moore, Finance Director Richard Drennen, Utilities Director M. J. Eichman, Fire Chief Steve Kessler, City Planner Matt Spring, City Engineer Scott P. Vagedes, Park Superintendent Jim Asher, Police Chief Tom Davidson, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, *Independent Voice* reporter Colorado Sky, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Brianne Drury, Jenny Rose, Michael Brown, Pastor Chris Farmer, Larry Riesser, Michael McFarland, Michael McDermott, Bethany Fouler, Pauline Persing, Robert Hyer, Laudon Simon, Brooke Chinn, Tessin Hunt, Shanie Tassie, Laura Jess Ewing, Maria Koenig, Jarod Weaver, Ian Overley, Ken Scadden, and Joe Bagi.

Invocation and Pledge of Allegiance

Pastor Chris Farmer from the Tipp City United Methodist Church delivered the invocation. President Hale led the Pledge of Allegiance.

Approval of Agenda

Mr. Lovett moved to approve the agenda, seconded by Mr. Beagle. The motion unanimously carried.

Adoption of Minutes

Mrs. Blakey noted that the minutes of the April 24, 2008 City Council meeting, approved at the May 5th meeting, should be amended to reflect that Council did not recess for dinner. The minutes were amended on a motion by Mrs. Blakey, seconded by President Hale.

Mr. Beagle moved, seconded by Mayor Evans, to adopt the minutes of the May 5, 2008, Pre-Meeting Study Session. The motion carried 6-0.

Mrs. Gillis moved to adopt the minutes of the May 5, 2008, City Council Meeting, seconded by President Hale. The motion unanimously carried.

Mayor Evans moved, seconded by Mr. Beagle, to adopt the minutes of the May 5, 2008, Post Meeting Study Session. The motion carried with a vote of 6-0.

**Ordinances
(Second Reading and
Public Hearing)**

Ordinance 11-08
Snowmobiles, Off-
highway Motorcycles,
& All-Purpose Vehicles

Mrs. Blakey moved, seconded by Mrs. Gillis, to adopt the minutes of the May 7, 2008, Special City Council Meeting. The motion carried with a vote of 6-0.

Mayor Evans moved to adopt the minutes of the May 8, 2008, Special City Council Meeting, seconded by Mr. Lovett. The motion carried with a vote of 6-0.

The following ordinances were presented to City Council for second reading and public hearing.

Ordinance 11-08: An ordinance amending code section 75.27 to modify the requirements for the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles within the city.

Clerk of Council Summary: This ordinance will enact code to regulate the use of these vehicles on residentially zoned properties with less than 3 acres.

City Manager Report: Mr. Vath noted that these vehicles will be permitted for use in a residential district as agricultural and/or utilitarian purposes such as plowing snow, cutting grass, pulling attachments.

President Hale requested that Chief Davidson approach the lectern. President Hale stated that he was only aware of one complaint pertaining to this issue. He asked if Davidson thought it was necessary to act upon this ordinance based upon one complaint.

Davidson responded that without the ordinance, Police were unable to deal with this type of complaint. He stated that Disorderly Conduct is generally used in connection with Drunk and Disorderly. After speaking with the prosecutor, labeling this offense as a nuisance opens the term up to interpretation, which would make the prosecutor uncomfortable.

President Hale stated that he would be voting against this issue because one violation didn't justify creating a new law.

Mr. Lovett stated that he could not ignore what he saw, heard, or breathed. He stated that this type of conduct should be regulated in subdivisions. He stated that he would be supporting the ordinance.

Mayor Evans stated that he also witnessed the ATV use and stated that he would not want an ATV track next door to him. He also stated that he would be supporting this ordinance.

Mrs. Gillis stated that she had gone back and forth on this issue. Based upon the Chief's comments, Mrs. Gills stated that she would be supporting the ordinance.

Mrs. Blakey stated that she was surprised that our ordinances didn't already address this issue. She stated that she had heard from several individuals that were unhappy about this conduct. She stated that she would be voting in favor of the ordinance.

Mr. Beagle stated that this ordinance would provide the police department with a tool to solve this problem should it occur again. He stated that he would support the ordinance.

Mrs. Blakey sponsored this ordinance and moved for its adoption, seconded by Mr. Beagle. The motion carried with a vote of 5-1, President Hale cast the dissenting vote. Ordinance 11-08 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 12-08
Streetscape
Assessment

Ordinance 12-08: An ordinance levying special assessments for the construction of sidewalks and driveway approaches on West Main Street from Tippecanoe Drive east to Hyatt Street.

Clerk of Council Summary: This ordinance will assess the property owners for sidewalks and driveway approaches, if the invoices are not paid, for these improvements completed as part of Streetscape.

City Manager Report: This ordinance will allow the City to assess 45 private property owners for the cost of sidewalks and driveway aprons installed during the recent Streetscape Project. Mr. Vath noted that the properties are located on Main Street between Tippecanoe Drive and Hyatt Street. He noted that the City is prohibited, by ODOT, from assessing for the cost of curbs. Property owners are being charge the cost of standard concrete driveway approaches and not for the cost of the decorative brick pavers which were installed on the driveway approaches.

There being no further discussion, Mr. Beagle sponsored this ordinance and moved for its adoption, seconded by Mr. Lovett. The motion carried. Ordinance 12-08 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 13-08
2007 Curb & Sidewalk
Program Assessments

Ordinance 13-08: An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches in various locations within the City of Tipp City, Ohio.

Clerk of Council Summary: This ordinance will assess the property owners for curbs, sidewalks and driveway approaches installed as part of the 2007 Annual Paving Program/Sidewalk Program, if the invoices are not paid.

City Manager Report: This ordinance will allow the City to assess 63 private property owners for the cost of curbs, sidewalks, and driveway aprons installed during the 2007 Curb and Sidewalk Replacement Program. Mr. Vath noted that these properties are scattered throughout Tipp City but mainly in the areas where roadways were repaved as part of the 2007 Paving Program.

There being no further discussion, Mr. Beagle sponsored this ordinance and moved for its adoption, seconded by Mr. Lovett. The motion carried. Ordinance 13-08 was declared passed and President Hale affixed his signature in witness thereto.

**Resolutions
(One Reading
Required)**

Resolution 15-08
Alternate Tax
Document

The following resolutions were presented to City Council for adoption.

Resolution 15-08: A resolution declaring the intention to proceed under the alternative tax document format provided under section 5705.281 of the Ohio Revised Code and to refrain from the preparation of a tax budget for the fiscal year 2009, and authorizing and directing the Finance Director of the City of Tipp City to prepare and to submit to the Miami County Budget Commission such information and documents as are necessary and incident to said process and submission, and to take such other actions as maybe reasonably necessary incident thereto.

Clerk of Council Summary: The Ohio Revised Code allows Cities to utilize an alternate format to meet annual budget filing requirements of the Miami County Budget Commission.

City Manager Report: This resolution will allow the Finance Director to utilize the "alternate" method to file the required information with the Miami County Budget Commission. Mr. Vath noted that this method is less time consuming and accomplishes the same goals.

Mr. Beagle asked if this was a new program. Mr. Drennen replied that the program had been in place for 5 years but this was the first year Tipp City had tried to take advantage of it. Drennen said that he thought he would give it a try; the process is supposed to be easier and less detailed. He noted that the legislation was written by the County Auditor.

Mr. Lovett sponsored this resolution and moved for its adoption, seconded by Mrs. Gillis. The motion carried. Resolution 15-08 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 16-08
GIS Agreement

Resolution 16-08: A resolution authorizing the City Manager to enter into an agreement with the Miami County Engineers for professional services by Woolpert Inc. regarding a county wide GIS study and report

Clerk of Council Summary: The cities of Piqua, Tipp City, Miami County Sanitary Engineer, and Miami County Engineer are all working together to have a comprehensive study and report crafted to determine the best applications for GIS in our respective jurisdictions.

City Manager Report: Mr. Vath noted that these entities have jointly worked on a RFP for this proposed study, evaluating the proposals received, and have recommended Woolpert Inc. to complete the study.

There being no further discussion, Mrs. Blakey sponsored this resolution and moved for its adoption, seconded by President Hale. The motion carried. Resolution 16-08 was declared passed and President Hale affixed his signature in witness thereto.

**Ordinances
(First Reading)**

The following ordinances were presented to City Council for first reading, the second reading and public hearing will be held on May 19, 2008.

Sign Code

Mayor Evans sponsored an ordinance adopting a revised code for the regulation of signs, enacting code Sections 154.090 – 154.112, and repealing ordinances 42-03 and 05-06 of the City of Tipp City, Ohio.

Clerk of Council Summary: This ordinance will update code to comply with recent court decisions regarding sign codes.

City Manager Report: The City has been working with Dr. Eric Kelly while evaluating the sign code. This ordinance will replace the existing sign code.

**Out-of-Town Sewer
Rates**

Mr. Lovett sponsored an ordinance amending sections 52.02 of the Tipp City, Ohio Code of Ordinances to revise the sewer rates.

Clerk of Council Summary: This ordinance will enact a 150% surcharge on all out-of-town sanitary sewer customers.

City Manager Report: This ordinance will implement a rate adjustment for the treatment portion of the out-of-town sanitary sewer utility bills. Currently the out-of-town sewer customers are paying the same treatment rate as the in-town-customers. Mr. Vath noted that this ordinance will bring the treatment portion of the sewer bill to 150% of the in-town rates, which is currently being charged for the other portions of the sewer bill and all of the water bills.

**Final Plat Northgate
Commerce Center
Sections 2 & 3**

Mr. Beagle sponsored an ordinance approving the Final Plats of the Northgate Commerce Center Subdivision Sections 2 and 3.

Clerk of Council Summary: This ordinance will allow the City to proceed with the construction of the northern and southern extensions of Kinna Drive which was partially funded with an ISIF grant.

City Manager Report: Mr. Vath noted that the City, property owner, and State of Ohio are partnering to extend Kinna Drive both north and south within the Northgate Commerce Center Industrial Park. The City received a \$500,000 grant from the Ohio Department of Development to assist with this project.

**Motions
Miami County
Foundation Grant**

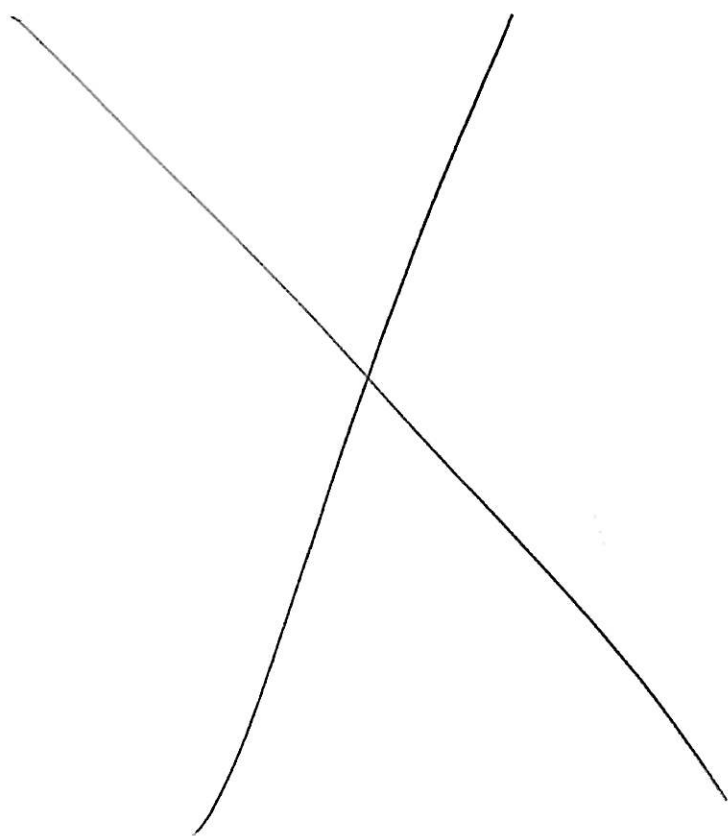
President Hale moved to accept a \$5,000 donation from the Miami County Foundation to be used for decorative fencing in the Veterans Memorial Park, seconded by Mayor Evans. The motion carried with a vote of 6-0.

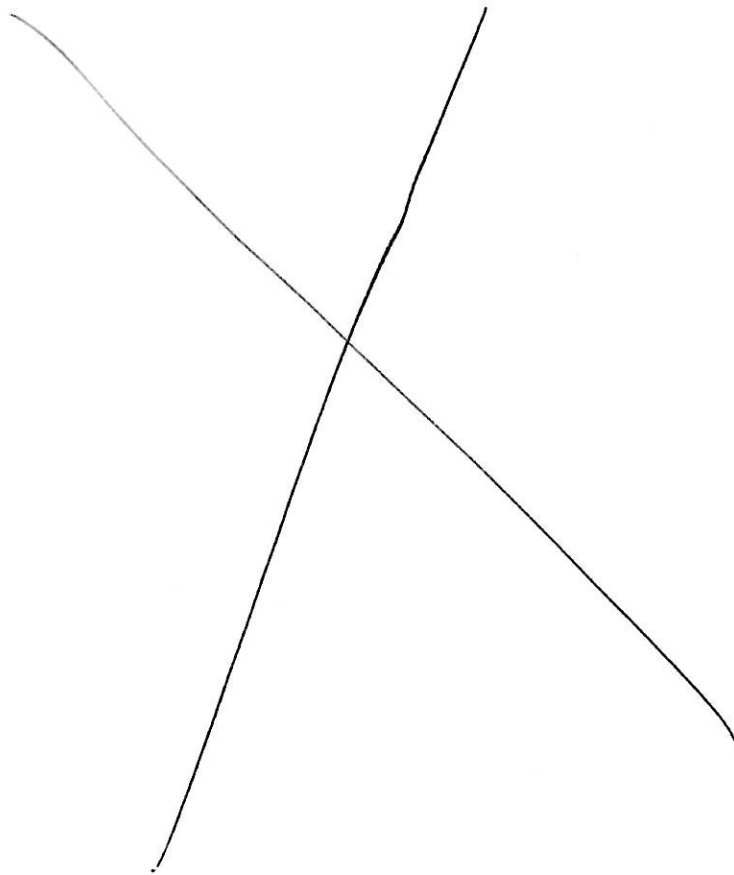
**Memorandum of
Understanding**

Mr. Lovett moved to authorize the execution of a Memorandum of Understanding between City Council and Jon Crusey, seconded by Mrs. Gillis. The motion carried with a vote of 5-1, Mrs. Blakey cast the dissenting vote.

**Miscellaneous
Charter Commission
Report**

Mr. Vath noted that the Charter Review Commission had submitted their findings to City Council. This letter was included in Council's packet. City Council requested a study session be held on June 2nd to discuss the recommendations.





Citizen Comments

There were no citizen comments on items not on the agenda.

**Councilmember
Comments**

Mr. Beagle thanked the Charter Review Commission for their service. Mr. Beagle noted that he recently attended the I-70/75 Economic Development Summit.

Mrs. Blakey noted that a light pole in Curry Branch has sunk into the ground and was tilting.

Mayor Evans thanked the Charter Review Commission. He noted that he attended the Troy Strawberry Festival Soccer Tournament in Kyle Park and presented trophies to the winners.

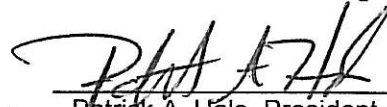
Mr. Lovett individually thanked each member of the Charter Review Commission: Jacqueline Wahl, Keith Kingrey, Scott M. Brownlee, Mike McDermott, Larry Riesser, Janet Seeman, and Frank Wagner.

Mrs. Gillis welcomed the High School students in attendance. She also thanked the Charter Review Commission members. Mrs. Gillis noted that she also attended the I-70/75 Economic Development Summit.

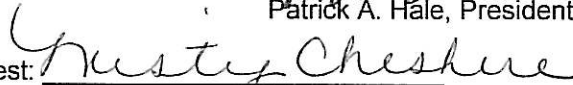
President Hale explained that the Charter Review Commission meets once every eight years to review the City Charter and make recommendations to City Council if any changes are needed. He thanked the Commission members.

Adjournment

There being no further business, it was moved by Mayor Evans, seconded by Mrs. Gillis, that the meeting be adjourned. The motion unanimously carried. President Hale declared the meeting adjourned at 8:09 p.m.



Patrick A. Hale, President of Council

Attest: 
Misty Cheshire, Clerk of Council

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

MAY 19, 2008

Study Session

Acting City Manager Bradley C. Vath opened the Study Session at 8:20 p.m. on this date.

Roll Call

Council Members in attendance included: Patrick A. Hale, Tim E. Evans, William D. Beagle, Vickie K. Blakey, George H. Lovett, and Dolores Gillis.

Others in attendance included: Acting City Manager Bradley C. Vath, City Engineer Scott P. Vagedes, Park Superintendent Jim Asher, Kathy Taylor, Cincinnati Pool Management President Gary Toner, Mike McFarland, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, and Clerk of Council Misty Cheshire.

**Discussion –
Field Use Policy**

Kathy Taylor stated that TMCS schedules field use for baseball, football, and soccer. In the past there was no charge for field use but recently teams from other districts have been coming to Tipp to use the fields at no cost. The new field use policy would give Tipp City leagues first priority at no charge. Fields use for other leagues will begin at \$25 per game, \$10 for a practice, and will increase if lights are needed. All fees will go into the City's General Fund.

The policy is modeled after field use policies from Troy and Vandalia. The policy was reviewed and recommended by the Park Advisory Board. If approved the policy would become effective in 2009. A copy of the policy was provided to City Council for review.

Mr. Beagle asked that the field use policy be posted on the City's website.

Mr. Asher questioned how the City would enforce the new policy. Ms. Taylor stated that a team would be given a permit to use the field. If a permit can't be produced, the team will be asked to leave the field. If they refuse, the police will be contacted. Mr. Asher stated that the Park Advisory Board had done a great job.

Mrs. Gillis asked if kids or families using the park were allowed to use the fields for pick-up games. Mr. Vath stated that the field could be used by the public, without charge, unless another team/organization had reserved the field.

**Aquatic Center 2008
Concession Pricing**

The next topic of discussion focused on concession prices for Aquatic Center. The proposed changes are attached and were approved by City Council.

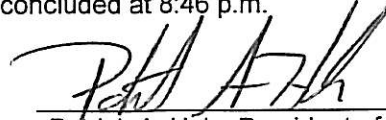
Mr. Gary Toner Toner noted that a contract with Fox's Pizza has been signed, which reflected a cost increase compared to last year. He noted that mini-donuts would be added to the menu in 2008.

Mr. Toner stated that the pool was fully staffed and extra life guards were hired as a precaution, should life guards find other employment throughout the summer.

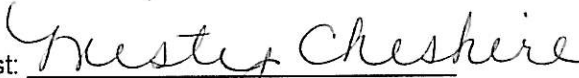
Mr. Vagedes noted that the 2008 refillable Frushie hurricane cups would be orange and black. Pool pass sales have now been turned over to CPM and will no longer be sold at the Government Center. Mr. Vath noted that he would include the total for pool pass sales in the next Friday letter.

Adjournment

The study session concluded at 8:46 p.m.



Patrick A. Hale, President of Council

Attest: 
Misty Cheshire, Clerk of Council

2008 CONCESSION INVENTORY PRICE LIST AT TFAC

5.19.2008

ITEM NAME	SUPPLIER	2007 INDIVIDUAL UNIT PRICE	2008 RECOMM UNIT PRICE	RECOMMED PRICE INCREASE
12 OZ SODA	TRI STATE COCA-COLA	\$1.25	\$1.50	\$0.25
24 OZ SODA	TRI STATE COCA-COLA	\$1.75	\$2.00	\$0.25
AIR HEAD BLUE	KEILSON-DAYTON	\$0.25	\$0.25	\$0.00
AIR HEAD CHERRY	KEILSON-DAYTON	\$0.25	\$0.25	\$0.00
AIR HEAD GREEN	KEILSON-DAYTON	\$0.25	\$0.25	\$0.00
AIR HEAD WATERMELON	KEILSON-DAYTON	\$0.25	\$0.25	\$0.00
BABY BOTTLE POP	KEILSON-DAYTON	\$1.00	\$1.25	\$0.25
BEEF STICKS	KEILSON-DAYTON	\$0.50	\$0.75	\$0.25
BOTTLED WATER		\$1.50	\$1.75	\$0.25
CHEDDAR FRIES	KEILSON-DAYTON	\$1.00	\$1.25	\$0.25
CHEESE	GOLD MEDAL PRODUCTS	\$0.25	\$0.25	\$0.00
CHICKEN SANDWICH	GOLD MEDAL PRODUCTS	\$2.25	\$2.50	\$0.25
CINNABON PRETZEL	GOLD MEDAL PRODUCTS	\$2.00	\$2.25	\$0.25
COMBO (CHEDDAR)	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
COMBO (NACHO)	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
COMBO (PEPPERONI)	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
COOKIE SANDWICH ICE CREAM	ICE CREAM SPECIALTIES	\$1.50	\$1.75	\$0.25
CORN DOG	GOLD MEDAL PRODUCTS	\$1.75	\$2.00	\$0.25
COTTON CANDY	GOLD MEDAL PRODUCTS	\$1.25	\$1.50	\$0.25
COW TALES	KEILSON-DAYTON	\$0.25	\$0.25	\$0.00
COW TALES (STRAWBERRY)	KEILSON-DAYTON	\$0.25	\$0.25	\$0.00
FRUSHEE	GOLD MEDAL PRODUCTS	\$1.75	\$2.00	\$0.25
FUN DIP	KEILSON-DAYTON	\$0.25	\$0.50	\$0.25
GARDETTOS	KEILSON-DAYTON	\$1.00	\$1.25	\$0.25
GUMMI CRITTERS	KEILSON-DAYTON	\$0.25	\$0.25	\$0.00
GUMMI MINI BURGER	KEILSON-DAYTON	\$0.25	\$0.25	\$0.00
GUMMI MINI BURGER SOUR	KEILSON-DAYTON	\$0.25	\$0.25	\$0.00
HAMBURGER	GOLD MEDAL PRODUCTS	\$2.25	\$2.50	\$0.25
HAMBURGER BUNS	SAM'S CLUB			\$0.00
HOT DOG	GOLD MEDAL PRODUCTS	\$1.75	\$2.00	\$0.25
HOT DOG BUNS	SAM'S CLUB			\$0.00
HOT FIRES	KEILSON-DAYTON	\$1.00	\$1.25	\$0.25
HURRICANE GLASS		\$3.00	\$3.25	\$0.25
HURRICANE REFILL		\$1.00	\$1.25	\$0.25
ICE		\$0.10	\$0.10	\$0.00
ICE CREAM	ICE CREAM SPECIALTIES	\$1.50	\$1.75	\$0.25
ICE CREAM	ICE CREAM SPECIALTIES	\$1.25	\$1.50	\$0.25
ICE CREAM SANDWICH	ICE CREAM SPECIALTIES			\$0.00
ICE WATER		\$0.10	\$0.10	\$0.00
JUMBO SOFT PRETZEL	GOLD MEDAL PRODUCTS	\$1.50	\$1.75	\$0.25
LAFFY TAFFY	KEILSON-DAYTON	\$0.10	\$0.10	\$0.00
LAYS	SAM'S CLUB	\$0.75	\$1.00	\$0.25
M&M MINI TUBE	KEILSON-DAYTON	\$0.75	\$0.75	\$0.00
M&M PEANUT	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
MILKY WAY	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
NACHOS	GOLD MEDAL PRODUCTS	\$1.75	\$2.00	\$0.25
NERDS ROPE	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
NUTS, HONEY	KEILSON-DAYTON	\$1.00	\$1.00	\$0.00
NUTS, HOT & SPICY	KEILSON-DAYTON	\$1.00	\$1.00	\$0.00
NUTS, MIX	KEILSON-DAYTON	\$1.00	\$1.00	\$0.00
NUTS, SALTED PEANUTS	KEILSON-DAYTON	\$1.00	\$1.00	\$0.00
OREA SANDWICH ICE CREAM	ICE CREAM SPECIALTIES			\$0.00
PICKLES	GOLD MEDAL PRODUCTS	\$1.25	\$1.25	\$0.00

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PIZZA	FOX'S PIZZA DEN	\$1.75	\$2.00	\$0.25
POWERADE		\$1.75	\$2.00	\$0.25
PUSH POP	KEILSON-DAYTON	\$0.50	\$0.50	\$0.00
RED FISH CANDY	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
REESE PEANUT ICE CREAM	ICE CREAM SPECIALTIES			\$0.00
RESSE CUP	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
RESSE PIECES	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
RING POP	KEILSON-DAYTON	\$0.50	\$0.50	\$0.00
SKITTLES	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
SKITTLES SOUR	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
SNICKERS	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
SOUR PATCH FRUIT	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
SOUR PATCH KIDS	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
SOUR ROPE	KEILSON-DAYTON	\$0.25	\$0.25	\$0.00
SPONGE BOB ICE CREAM	ICE CREAM SPECIALTIES			\$0.00
STARBURST	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
SUNDAE CONE ICE CREAM	ICE CREAM SPECIALTIES			\$0.00
THREE MUSKETEER	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
TWIX	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25
TWIZZLERS	KEILSON-DAYTON	\$0.75	\$1.00	\$0.25

NOTES:

Anything highlighted in green represents food product price increase from '07 to '08.

Also all vendors are charging an average \$10.00 fuel surcharge for delivery.

Coke product pricing still to be determined.